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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/493,530	01/28/00	PONTBRIAND	80,158-107

IM71/1023

WILLIAM S GOTTSCHALK
THE PINEHURST OFFICE CENTER
1400 NORTH WOODWARD AVENUE
SUITE 101
BLOOMFIELD HILLS MI 48304-2856

EXAMINER

NOLAN, S

ART UNIT

1772

PAPER NUMBER

DATE MAILED: 10/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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William S Gottschalk
The Pinehurst Office Center
1400 North Woodward Avenue
Bloomfield Hills MI 48304

IM62/0816

EXAMINER

NOLAN, S

ART UNIT

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DATE MAILED:

08/16/00

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/493,530

Applicant(s)

PONTBRIAND et al

Examiner

Sandra Nolan

Group Art Unit
1772



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-12 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-12 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on January 28, 2000 (Paper No. 2) has been considered by the examiner. A copy of the initialed form PTO 1449 is enclosed.

Oath/Declaration

2. Applicants' Substitute Declaration and Power of Attorney, submitted on March 20, 2000 (Paper No. 3) has been made of record.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because, in Figure 3, reference character "42" has been used to designate both a substrate and an intermediate layer. Correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Kays
6. Claim 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The phrase "said outer epoxy coating plastic particles mixed into an epoxy paint" is indefinite. Are Applicants claiming epoxy paints containing added epoxy particles? Powdered epoxy coatings alone? Please clarify.

7. Claim 8 recites the limitation "said . . . particles" in lines 3. There is insufficient antecedent basis for this limitation in the claim. Please clarify.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

W(9)
9. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 468979B1 (abstract).

The EPO abstract shows the coating of a metal pipe with a powdered epoxy resin composition, onto which powdered polyolefin is applied before the epoxy resin has completely cured.

The Examiner has interpreted claim 8 to include tubes made by the application of plastic particles onto an epoxy coating previously placed on metal tubes.

10. Claims 1, 3, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong et al (US 5,178,902).

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Wong et al show epoxy/polyolefin blends coated onto heated metal pipes/tubes to form protective coatings thereon (abstract). The pipes are precoated with epoxy resin alone (abstract). The use of 20% polyolefin in the coatings is recited in claim 5 of the patent.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1 and 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,082,698) in view of the Crea Nova product bulletin (published 16 Oct 98).

Anderson et al show coatings for metal coils (see col. 3, line 33 and col. 14, lines 47 through 55), which coatings contain epoxy resins (abstract) and may contain polyamides as property modifiers (col. 7, lines 26-27). The use of a pretreatment coating is discussed in the last sentence of the abstract. Anderson et al do not teach the use of particulate polyamides; or polyamides having the particle sizes stated in claims 5, 6, 10 and 11; or the amounts of polyamides recited in claim 7.

The Crea Nova publication discusses "Vestosint" polyamide particles in lacquers for coating coils (page 4, first sentence). The coils referred to are presumed to be metallic, since wood surfaces are mentioned as separate substrates. The lacquers contain from 5 to 20 parts polyamide particles per 100 parts lacquer, with "the amount. . . required depend[ing] on the

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application" (page 1, last line through page 2, line 1). The average particle diameters range from about 5 microns to about 57 microns (table on page 2). The polyamide particles give structure and improve the abrasion resistance of the lacquers (page 4, first sentence).

Both references relate to polymer-containing coatings for metal coils.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the polyamide particles of Crea Nova, in Crea Nova's amounts, as modifiers for the epoxy coatings of Anderson et al in order to give the coatings structure and to improve their abrasion resistance (per Crea Nova's teaching), and to apply the coatings to coat metal coils (per both Anderson and Crea Nova).

14p 13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,082,698) in view of the Crea Nova as applied to claims 1 and 3-12 above, and further in view of Sakakibara et al (US 4,268,542).

Anderson et al and the Crea Nova publication are discussed above. They do not teach the use of paint baths to apply coatings to their substrates.

Sakakibara et al teach the conventionality of dip coating to apply epoxy/polyamide coatings onto metal substrates. See col. 7, lines 20, 26, and 64-65.

All three references teach the coating of metal substrates.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ any conventional coating process, such as the dip coating process

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of Sakakibara et al, when applying the coatings suggested by the above-described combination of Anderson et al and the Crea Nova to metal pipes or coils.

W10
14. Claims 5, 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al.

Wong et al is discussed above. It does not teach the use of plastic particles having the sizes set forth in claims 5, 6, 10 and 11. However, it does teach that the polyolefin should be no larger than 250 microns (preferably 100 microns), at col. 5, lines 20+, and that the epoxy/polyolefin blends fuse on the surface of the metal pipe.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ smaller particles of polyolefin in the epoxy coatings of Wong et al in order to ensure that the polyolefin particles melt completely and the metal substrate is completely covered by them. Smaller particles would mean that little or none of the metal surface would be left unprotected after the fused coating set on it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra M. Nolan, whose telephone number is (703) 308-9545. The examiner can normally be reached on Monday through Thursday from 7:00 am to 4:00 pm. The examiner can also be reached on alternate Fridays.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ellis P. Robinson, can be reached on (703) 308-2364. The fax phone number for the organization where this application is assigned is (703) 305-5408.

The telephone number for the receptionist is (703) 308-0661.


Ellis Robinson
Supervisory Patent Examiner
Technology Center 1700

SMN/smn
August 12, 2000
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